

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FURMINATOR, INC., and)
PORTERVISION, INC.,)
)
Plaintiffs,)
)
)
vs.) Case No. 4:08CV00367 ERW
)
)
MUNCHKIN, INC., and)
KIM LAUBE & CO., INC.,)
)
Defendants.)

MEMORANDUM AND ORDER

This matter comes before the Court on FURminator's Second Motion to Compel and Incorporated Memorandum in Support [doc. #107]. A telephone hearing was held on July 27, 2009, and the Court heard arguments from the Parties on this Motion.

At the hearing, the Parties agreed that Defendant Laube will file a declaration in this Court and in the California court, specifically declaring that he has no design and development documents pertaining to any issue in this case, and to the extent his declaration states that "records related to the design and development of Laube's de-shedding tools including, but not limited to, the Laube Quick Change Tool, the Laube Adjustable Blade Rake, and the Laube iVac Tool are located in California at Laube's headquarters," that reference is to documents already produced. (Laube Declaration, doc. #107-5, p.5). The Parties have an agreement to waive confidentiality for portions of Mr. Laube's deposition relating to matters discussed in the hearing.

Upon receipt of proof that such a declaration has been made in both this Court and the relevant California court, this Court will dismiss the pending Motion to Compel.

Accordingly,

IT IS HEREBY ORDERED that FURminator's Second Motion to Compel and Incorporated Memorandum in Support [doc. #107] will be dismissed upon receipt of the declaration.

Dated this 27th Day of July, 2009.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE